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**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

DAVID J. ROMEO, individually, and in his capacity as an officer of Stella Labs, LLC, and Nutraceuticals International, LLC; **STELLA LABS, LLC**, a limited liability company; **NUTRACEUTICALS INTERNATIONAL, LLC**, a limited liability company; **DEBORAH B. VICKERY**, individually, and as an employee of Stella Labs, LLC and Nutraceuticals International, LLC; **V. CRAIG PAYTON**, individually, and in his capacity as an officer of Stella Labs, LLC; and **ZOLTAN KLIVINYI**, individually, and in his capacity as an officer of Nutraceuticals International, LLC,

Defendants.

Hon. William J. Martini

CASE NO. 09-1262-WJM

Hearing Date:
July 6, 2009

**NOTICE OF MOTION TO STRIKE AFFIRMATIVE DEFENSES OF
DEFENDANT DEBORAH B. VICKERY**

TO DEFENDANT AND HER ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE THAT, on July 6, 2009, at 9:00 a.m., pursuant to Rule 12(f) of the Federal Rules of Civil Procedure, the Plaintiff Federal Trade Commission will move to strike three of the four affirmative defenses in Defendant Deborah Vickery's Answer.

As illustrated in the accompanying memorandum of points and authorities, Defendant's May 4, 2009 Answer ("Answer") includes three legally insufficient affirmative defenses. In the interest of streamlining the ultimate resolution of this case, Plaintiff respectfully requests that the Court strike the following affirmative defenses in the Defendant's Answer: good faith (Second Defense); mootness (Third Defense); and reliance (Fourth Defense).

Respectfully Submitted,
WILLARD K. TOM
General Counsel

Dated: May 26, 2009

/s/ Victor F. DeFrancis
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